THE 16TH ANNUAL REPORT

OF THE CRIMINAL INJURY COMPENSATION ACT OF BRITISH COLUMBIA

JANUARY 1 - DECEMBER 31, 1987

Administered by the Workers' Compensation Board of British Columbia for the Ministry of the Attorney General

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THE CRIMINAL INJURY COMPENSATION ACT

Minister responsible for the Act:
The Honourable Brian D.R. Smith, Q.C.
Attorney General
Province of British Columbia
Agency responsible for the administration of the Act:
Workers' Compensation Board of British Columbia

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29 February 1988

TO HIS HONOUR THE LIEUTENANT GOVERNOR
IN COUNCIL OF THE PROVINCE OF BRITISH COLUMBIA

May it please Your Honour

Sir:

As required by subsection (1) of section 23 of the Criminal Injury Compensation Act, I have the honour to submit the annual report of the Workers' Compensation Board covering the period 1 January 1987 to 31 December 1987.

Yours respectfully,

J. A. Nielsen
Chairman
Workers' Compensation Board
Richmond, B.C.

LEGISLATION

The Criminal Injury Compensation Act has been in effect since July 1,1972. It enables compensation to be provided where a person is injured or killed in British Columbia as a result of (a) the commission of any one of 44 criminal offences set out in the schedule of the Act or where the injury or death resulted from: (b) the lawful arrest or attempt to arrest an offender or suspected offender, or assisting a peace officer in making or attempting to make an arrest; or (c) the lawful prevention or attempt to prevent the commission of a criminal offence or suspected offence or assisting a police officer in preventing or attempting to prevent the commission of such offence or suspected offence.

The Act applies in respect to all persons injured or killed in British Columbia in the above described circumstances notwithstanding that the victims may not have been residents of British Columbia at the time.

APPLICATIONS

2,173 new applications were received during the year, which when added to the 464 applications carried forward from the previous year, presented 2,637 claims for consideration and decision; of that number, 2,172 applications were disposed of, leaving 465 cases to be carried forward to the following year. Since the Act has been in force, the Board has received a total of 13,604 applications.

Application forms for compensation are available to the public at all Workers' Compensation Board offices throughout the province, police stations, court offices, social service agencies, hospital emergency departments, legal aid clinics, victim/witness services units, sexual assault crisis centres and other like agencies. All completed application forms are required to be submitted to the Board's office in Richmond for further processing.

A random selection of claims processed during the year is contained in summary form on pages 14 to 21. Three decisions on actual claims have also been reproduced on pages 10 to 13 to illustrate the general format of the decision, as well as the factors that are normally taken into consideration in dealing with applications under the Act.

COMPENSATION AWARDS

The Act provides the Board with exclusive jurisdiction to determine whether any person is entitled to compensation, as well as the form and amount of the award. Compensation may be granted in the form of a lump sum payment and/or a periodic award. The maximum lump sum payment that can be awarded, in respect of the injury or death of one victim, is $25,000. In appropriate cases, however, this lump sum payment can be supplemented by a periodic award within the limits prescribed by section 13 of the Act. These maximum limits, however, do not apply in cases where a victim is injured or killed while assisting a peace officer or trying to prevent a crime. The Board is precluded from awarding compensation where the amount payable is less than $100.

A total of $5,460,662 was paid out in compensation awards in 1987. Of that total, $3,541,167 was awarded in the form of lump sum payments and $1,919,495 was paid out in periodic awards. The latter includes ongoing payments on awards granted in prior years. Since enactment of this legislation, a total of $33,229,152 has been paid out in compensation awards.

The province is responsible for paying all compensation and costs but, pursuant to a cost-sharing agreement, which has been in effect since 1 January 1973, it recovers from the Government of Canada, except for administration costs, 10 cents per capita of the population of the province, or 50% of the compensation paid, whichever is the lesser. For the fiscal year ending March 31, 1987, the contribution by the Federal Government amounted to $290,590 or 10 cents per capita based on Statistics Canada population estimate of British Columbia as of June 1, 1986. The Federal Government has recently offered to increase this contribution to 25 cents per capita and will also be providing contribution regarding other victim related services, further details of which are to be negotiated with the province.

PUBLICATIONS

Efforts continue in an attempt to increase public awareness of the Act. The Board tries to make the provisions of the Act known in a variety of ways. Thousands of information pamphlets outlining the provisions of the Act in general terms have been distributed to all Board area offices, hospitals, doctors, dentists, other qualified practitioners, victim/witness assistance groups, court officials, police stations, employer associations, unions, schools, social workers, sexual abuse and rape crisis centres, and the news media, among others.

During the past year, the Board was represented on radio and television shows and held meetings and discussions with various interested groups, agencies and associations. News releases regarding compensation awards continue to be sent to every newspaper, radio and television station in the province.

In addition to the efforts to inform the public at large, the Board encourages police officers, emergency hospital staff, physicians, other qualified practitioners and lawyers to advise victims of the benefits available under the Act. The Board is also a participant in a Victim Assistance Program which was implemented by the Ministry of the Attorney General in 1987 to make the Justice System more responsive to the needs of crime victims.

ADMINISTRATION

The Board's workload has continued to increase steadily, increasing by over 60% in the past two years. 2,123 cases were adjudicated and finalized during the year. Awards were granted in 1,861 of these cases. The remaining 262 applicants, for a variety of reasons, were not considered to be entitled to any benefits under the Act and their applications were disallowed.

Sexual offences were the most common type of crime involved. Of the 1,861 awards that were granted during the year, 897 or approximately 46% of these involved sexual offences. These offences include cases involving the sexual abuse of children, in which there was a further and dramatic increase in applications in the past year. Indecent assaults on females and males increased by over 120%, going from some 363 cases in 1986 to 803 cases in 1987. There were an additional 738 cases involving other assaults and this was the next most frequent category of crime (40%).

The total expenditures for the year amounted to $5,943,822. Administration costs amounted to $483,160 or approximately 8% of that total. Additional details of these expenditures are contained on page 7 of this report.

ACKNOWLEDGEMENTS

The Board cannot complete this report without expressing its appreciation and gratitude to the police, doctors, dentists, other qualified practitioners, hospital staff, judges, lawyers, social workers, volunteer victim/witness groups and various other persons and associations, for their excellent cooperation and assistance in the administration of this Act.

Acknowledgement must also be made to the news media of this province for publicizing the benefits available under the Act.

Respectfully submitted,

J. A. Nielsen
Chairman

J. M. Nutter
Commissioner

B. Korman
Commissioner

STATISTICAL SUMMARIES

VOLUME OF WORK

	1972-85	1986	1987	Total to Date
Applications received	9,772	1,659	2,173	13,604
Number of awards granted	6,526	1,115	1,861	9,502
Awards paid	$23,576,063	$4,192,427	$5,460,662	$33,229,152

SUMMARY OF APPLICATIONS AND DISPOSITION

January 1, 1987 to December 31, 1987	
Applications carried forward from prior years	464
Applications received in 1987	2,173
	2,637
Disposition of Applications:	
(a) Applications allowed — awards granted	1,861
(b) Applications denied — awards to applicants not allowed	262
(c) Applications withdrawn/abandoned	49
(d) Applications carried forward to 1988	465
	2,637
Summary of awards:	
(a) Number of lump sum awards granted in 1987	1,777
(b) Number of periodic awards granted in 1987	84
(c) Lump sum payments	$3,541,167
*(d) Periodic payments	1,919,495
	$5,460,662

* Includes ongoing payments on claims adjudicated in prior years

CRIMES INVOLVED ON AWARDS GRANTED

DANGEROUS USE OF FIREARM	4
RAPE	80
ATTEMPTED RAPE	9
SEXUAL INTERCOURSE WITH FEMALE UNDER 14 OR 16	5
INDECENT ASSAULT ON FEMALE	605
INDECENT ASSAULT ON MALE	198
COMMON NUISANCE CAUSING HARM	8
FAILURE TO PROVIDE NECESSARIES	1
CAUSING BODILY HARM BY CRIMINAL NEGLIGENCE	3
CAUSING DEATH BY CRIMINAL NEGLIGENCE	1
MURDER	49
MANSLAUGHTER	8
ATTEMPTED MURDER	22
CAUSING BODILY HARM WITH INTENT	14
DANGEROUS OPERATION OF VESSEL	1
COMMON ASSAULT	144
ASSAULT CAUSING BODILY HARM	580
ASSAULT WITH INTENT TO COMMIT INDICTABLE OFFENCE	12
ASSAULT INTERFERING WITH LAWFUL PROCESS	2
ILLEGAL CONFINEMENT	3
ABDUCTION OF FEMALE	1
ABDUCTION OF CHILD UNDER 14	1
ROBBERY	88
INTIMIDATION BY VIOLENCE	7
MISCHIEF CAUSING ACTUAL DANGER TO LIFE	5
ARSON	2
ASSISTING A PEACE OFFICER	4
PREVENTING A CRIME	4
	1,861

SUMMARY OF EXPENDITURES

For the year ended 31 December 1987

Claim Costs:		
Awards paid	$5,462,469	
Less third party recoveries	(1,807)	$5,460,662
Administration Costs:		
Salaries and payroll	$ 418,080	
Occupancy and other service costs	66,704	
Travel and field investigations	16,062	
Communications	9,095	
Equipment	6,823	
Supplies and stationery	4,087	
Publications and advertising	2,364	
Less third party recoveries	(40,055)	483,160
Total Expenditure		$5,943,822

APPLICATIONS BY AREA

ABBOTSFORD	32
AGASSIZ	4
ALDERGROVE	8
ALERT BAY	1
ARMSTRONG	2
ASHCROFT	3
BELLA BELLA	3
BLACK CREEK	2
BLACKPINE LAKE	1
BOSTON BAR	1
BRADNER	1
BURNABY	110
BURNS LAKE	7
CACHE CREEK	2
CAMPBELL RIVER	25
CASSIAR	1
CASSIDY	1
CASTLEGAR	5
CEDAR	1
CHEMAINUS	2
CHETWYND	5
CHILLIWACK	20
CLEARBROOK	3
CLEARWATER	4
CLINTON	1
CLOVERDALE	5
COBBLE HILL	3
COLWOOD	8
COMOX	5
COQUITLAM	37
COURTENAY	27
COWICHAN LAKE	4
CRANBROOK	4
CRESTON	2
CUMBERLAND	3
DAWSON CREEK	11
DELTA	28
DEROCHE	1
DUNCAN	47
EGMONT	1
ELKFORD	1
ENDERBY	1
ESQUIMALT	7
FANNY BAY	1
FARMINGTON	1
FERNIE	4
FONTAS	1
FORT LANGLEY	1
FORT NELSON	4
FORT ST. JAMES	14
FORT ST. JOHN	26
FRASER LAKE	2
FORT NELSON RIVER	1
GALIANO ISLAND	1
GIBSON ISLAND	2
GIBSONS LANDING	4
GOLD RANGE	1
GOLDSTREAM	1
GOOD HOPE LAKE	2
GRAND FORKS	4
GREENVILLE	1
HANEY	1
HARRISON HOT SPRINGS	1
HAZELTON	4
HIXON	1
HOPE	6
HOUSTON	3
INGENIKA RANGE	1
INVERMERE	1
JAFFRAY	2
KAMLOOPS	29
KELOWNA	21
KIMBERLEY	5
KITIMAT	9
KITSEGUECLA MOUNTAIN	1
KITWANGA	1
KRESTOVA	1
LADNER	2
LADYSMITH	1
LANGDALE	1
LANGFORD	3
LANGLEY	19
LILLOOET	1
LOWER POST	1
LUMBY	2
LUND	1
MACKENZIE	5
MAPLE RIDGE	25
MARYSVILLE	1
MASSET	1
MATSQUI	7
MCLEOD LAKE	1
MERRITT	11
MISSION CITY	25
MORICETOWN	3
MOUNT CURRIE	1
NORTH SURREY	1
NANAIMO	65
NANOOSE BAY	3
NECOSLIE RIVER	2
NELSON	10
NEW HAZELTON	1

APPLICATIONS BY AREA (continued)

NEW WESTMINSTER	45
NORTH VANCOUVER	56
OAK BAY	8
OLIVER	2
PARKSVILLE	6
PEACHLAND	1
PENDER ISLAND	1
PENTICTON	10
PITT MEADOWS	1
PORT ALBERNI	40
PORT CLEMENTS	4
PORT COQUITLAM	17
PORT ELIZA	1
PORT HARDY	4
PORT MCNEILL	1
PORT MOODY	16
POWELL RIVER	30
PRESPATOU	7
PRINCE GEORGE	58
PRINCE RUPERT	7
PRINCETON	5
PRITCHARD	2
QUATAM RIVER	1
QUESNEL	32
RADIUM HOT SPRINGS	1
REVELSTOKE	5
RICHMOND	50
ROBERTS CREEK	4
ROYSTON	3
SAANICH	17
SAN JOSEF BAY	2
SANDSPIT	21
SARDIS	4
SAYWARD	3
SECHELT	5
SHAWNIGAN	2
SHAWNIGAN LAKE	2
SICAMOUS	3
SIDNEY	2
SIKANNI CHIEF	1
SMITHERS	6
SOOKE	2
SORRENTO	5
SOUTH SLOCAN	1
SPARWOOD	1
SQUAMISH	7
STEWART	1
SURREY	129
TAHSIS	2
TAKLA LAKE	1
TAKLA LANDING	1
TELEGRAPH CREEK	5
TERRACE	31
THETIS ISLAND	1
TOFINO	2
TRAIL	3
TUMBLER RIDGE	1
UCLUELET	3
VALEMOUNT	1
VANCOUVER	532
VANDERHOOF	4
VERNON	27
VICTORIA	96
WASA	1
WEST VANCOUVER	7
WHALLEY	4
WHITE ROCK	7
WHONNOCK	1
WILLIAMS LAKE	13
WINFIELD	2
YARROW	1
100 MILE HOUSE	3
70 MILE HOUSE	1
	2,173

DECISIONS ON CLAIMS

Following are three examples of actual decisions on claims. When these decisions are reached, a copy is sent to the claimant and a copy is also sent to the Ministry of the Attorney General.

ILLUSTRATION NO. 1

On May 8, 1985 during late afternoon or early evening hours, V, then age 30, suffered injuries and including nervous shock, stress and anxiety due to the death of her infant child at a hospital in Vancouver, B.C. The child was declared to be dead at birth shortly following V's admission to hospital and following attempts at a home delivery made by two persons who were acting in the capacity of midwives. Due to the circumstances involving the attempted delivery and ultimate death of the child, criminal charges of causing death by criminal negligence a l causing bodily harm by criminal negligence were laid against two female accused. Both accused were convicted of the former charge.

V now makes application under the Act in respect of the physical, mental and emotional stress relatable to this episode and, in particular, the termination of her pregnancy with the loss of her child. Hospital records indicate that she was admitted for three days. She received some physical injuries including various contusions and strains due to an ordeal of several hours duration at her home during which time both accused unsuccessfully attempted to deliver her child. Later, and following hospital admission, she received treatment for the mental and emotional trauma arising from the disposition of her pregnancy. This has been greatly exacerbated by the realization that her child would, in any probability, have survived had proper medical care been rendered earlier in the delivery. V states that her health has suffered greatly with the loss of her child following a nine month pregnancy. It is considered that the physical injuries relatable to this ordeal have healed. A state of nervous shock, stress and mental trauma has subsided. Undoubtedly the circumstances have been aggravated by the fact of the criminal proceedings and the trial of this matter which was heard as recently as October of 1986.

V states that she was employed by a credit union at the time of this incident. This, however, has not been confirmed by her employer and which had indicated that part-time work performed had ceased as of March 15, 1985. It is recognized, however, that this entire occurrence and the emotional aftermath would have hampered V in a significant way in the finding of subsequent work or in the returning to her previous employment. While there is no evidence of a specific loss of wages, this matter shall receive consideration generally under the heading of inconvenience.

Having reviewed the facts and circumstances of this case and in particular the reasons for judgement of the trial judge following the criminal trial, there is considered to be sufficient evidence from which to conclude that V is a victim of crime within the meaning of the Act. She is accordingly entitled to have her claim considered. Taking into consideration the nature of the injuries sustained and the nature and degree of the pain, suffering, anxiety and inconvenience occasioned by the injuries, an award of $4,800.00 is assessed to compensate V in that regard.

Section 20(3) of the Act provides that the Board has full discretionary power at any time to reopen, rehear and redetermine any matter that has been dealt with by it. In the event that V would benefit from an appropriate program of therapy from a qualified specialist to assist her in dealing with the emotional aftermath of this incident and should she undertake such a program and should the costs incurred in that regard not be otherwise payable under a medical plan, she may apply for further consideration of her claim in this regard.

AWARD: $4,800.00

ILLUSTRATION NO. 2

On October 30, 1986 during early morning hours, B, then age 32, states that he received injuries when attacked, assaulted and abused by a male person in the area of an intersection in Vancouver, B.C. No criminal charges have ever been laid in relation to this incident.

According to the police investigation report the incident occurred when B became involved in a discussion with the assailant who was a member of a lawful picket line. The discussion concerned the

subject of trade unions. According to police, this "degenerated to a shouting match punctuated by an exchange of obscenities" between B and the other party. This in turn led to a scuffle. The police state that the altercation began after B "ran at the accused and attempted to knock him down". During an ensuing scuffle B received his injuries. It is noted that the office of Crown Counsel declined to pursue charges in connection with this matter. The police state as well that B was extremely hostile and abusive toward investigating police officers who attended the scene.

The Criminal Injury Compensation Act defines a victim of crime as a person injured in the province by an act or omission of another resulting from the commission of a scheduled criminal offence. Section 4(1) of the Act further provides that the Board shall have regard to all relevant circumstances, including any behaviour of the victim that may have directly or indirectly contributed to his injury, in determining whether to award compensation and the amount thereof. Under the circumstances of this case it cannot be concluded that B is a victim of crime within the meaning of the Act. The fact of injury alone or that injury was received due to violence is not sufficient to justify such conclusion. In the opinion of police B was at least an equal participant in a verbal disagreement followed by a scuffle with the other party. As a result the office of Crown Counsel declined to pursue criminal charges. Even if B could be considered to be a victim of crime the weight of the evidence would indicate that B has contributed toward the injuries and this entire incident to such a degree as to disentitle him to any award of compensation.

NO AWARD

ILLUSTRATION NO. 3

On January 1, 1987 at approximately 2:00 a.m. the claimant, then age 23, was attacked, abused, forcibly disrobed and sexually assaulted by a male person in a deserted area in Coquitlam, B.C. The claimant states that she had been involved in a quarrel with persons, including her common-law husband, with whom she had been sitting at a bar. She states that she later left alone and after accepting a drink from the assailant who was a total stranger to her she voluntarily got into this person's car who had offered her a ride home. The claimant states that she subsequently advised police that she had some difficulty remembering certain events during the night in question. The party responsible for this occurrence has never been identified.

The claimant was seen at hospital emergency ward following the attack. Her injuries are described as multiple contusions of the head and neck and an anxiety state. She received the appropriate treatment. She was not admitted to hospital. On April 28, 1987 she was examined by a Board doctor and interviewed by a Board investigator. The medical examination revealed that she has recovered from the injuries. A relatable anxiety state is gradually resolving. The claimant is not considered to be disabled.

The claimant was not employed at the time of this occurrence. There is no claim for loss of wages. She is claiming damage occasioned to items of clothing. Taking into account reasonable wear and tear an assessment of $90.00 is made in that regard.

There is considered to be sufficient evidence from which to conclude that the claimant is a victim of crime within the meaning of the Act. She is accordingly entitled to be compensated in respect of the injuries received in this incident.

Section 4(1) of the Act provides that the Board shall have regard to all relevant circumstances, including any behaviour of the victim that may have directly or indirectly contributed to his injury, in determining whether to award compensation and the amount thereof. It must be noted that the claimant had accepted a drink and then a ride from the assailant who was a total stranger to her. The claimant admits that she did so while partially under the influence of alcohol. It is considered that by so doing the claimant had placed herself in a position of some jeopardy and certainly extremely susceptible to such an incident as did ultimately occur. It is determined that the claimant has contributed substantially toward the circumstances in which she was ultimately attacked and that contribution shall be taken into account in the assessment of the award.

Taking into consideration the claimant's contribution toward the injuries, the nature of the injuries sustained and the pain, suffering, anxiety and inconvenience occasioned thereby, an additional award of $1,200.00 is assessed to compensate the claimant in that respect.

Section 8(1) of the Act provides that compensation may be awarded whether or not any person is prosecuted for or convicted of the offence giving rise to the injury.

REDUCED AWARD: $1,290.00

EXAMPLES OF ALLOWED CLAIMS

87370 A 28-year-old female sustained fatal injuries when shot by her common-law husband at their residence in Lillooet, B.C. Offender committed suicide shortly thereafter. Application made on behalf of deceased's child, age 3½ months, at time of deceased's death. Deceased was not employed at time of her death but had worked on a part-time basis as a store clerk in the past. There was evidence that the child had been partially dependent upon the deceased for support at the time of the death. AWARD: Periodic payments of $150.00 per month subject to future cost of living adjustments and payable in trust to the Office of the Public Trustee until he is adopted or attains the age of 18 years and continuing to age 21 years if the child continues regularly to attend an academic, technical or vocational school.

871206 A 10-year-old female was subjected to an ordeal during which she was bound, tied and photographed while partially nude by a male offender at a residence in Victoria, B.C. Police investigation derived sufficient evidence upon which to lay charges of unlawful confinement. Victim did not sustain physical injuries but did suffer emotional anxiety as a result of the incident. AWARD: $800.00 (pain and suffering, etc.)

87430 A 43-year-old male was attacked, beaten, kicked and bound and tied by two male assailants during a robbery after offenders had forcibly entered victim's residence in Vancouver, B.C. One culprit convicted of robbery and unlawful confinement and sentenced to five years incarceration. Victim required hospital treatment for multiple contusions and fractures of the right fifth to ninth ribs. AWARD: $2,250.00 (clothing damage — $50.00; pain and suffering, etc. — $2,200.00)

87460 A 23-year-old male sustained multiple facial and eye injuries when struck by a rock and/or glass fragments when the rock was deliberately thrown through a window of a residence in which victim was seated in Aldergrove, B.C. Offender convicted of assault causing bodily harm. Victim required extensive hospital treatment for multiple injuries including a severe laceration of the left globe, a nasal fracture and left infraorbital rim fracture. Extensive eye damage resulted in total blindness and ultimately surgical enucleation of the eye. Victim continues to have some problems with breathing due to nasal fractures. AWARD: $16,050.00 (clothing damage - $50.00; pain and suffering, etc. — $16,000.00)

87368 An 18-year-old female was attacked and sexually assaulted by a dentist during the course of dental treatment being administered by the offender at the offender's office in New Westminster, B.C. Culprit charged with 14 counts of sexual assault in relation to this and similar attacks involving other female patients. Victim did not sustain physical injuries but did suffer from an anxiety state for some time. AWARD: $2,450.00 (pain and suffering, etc.)

87601 A 32-year-old male was injured when the victim of an attempted robbery perpetrated by a man and a woman on a street in Vancouver, B.C. Victim received contusions of the hand and a stab wound of the left palm. Victim subsequently assisted a passerby in detaining a male suspect at the scene until arrival of police. Victim required only conservative treatment. AWARD: $1,750.00 (loss of sick leave, pain and suffering, etc.)

87473 A 33-year-old female was attacked, dragged into an alley, pushed heavily to the ground, abused, suffocated and robbed by a male offender near an intersection in Vancouver, B.C. Culprit was convicted of aggravated assault. Victim required hospital treatment for extensive soft tissue injuries of the face and intraoral laceration extending across the left side of the mouth and extensive facial oedema. Victim disabled for approximately two months. AWARD: $7,347.94 (hospital co-insurance — $34.00; ambulance expense — $28.00; drug cost — $15.94; travel expense — $40.00; clothing damage — $230.00; loss of sick leave, pain and suffering, etc. $7,000.00)

87145 A 26-year-old male received minor contusions when attacked, punched and wrestled to the ground by an intoxicated man at a nightclub in Richmond, B.C. Offender charged with assault. Victim did not require medical attention. AWARD: $400.00 (pain and suffering, etc.)

87026 A 35-year-old female received a foot injury when struck with a video recording machine thrown by her boyfriend at victim's residence in Coquitlam, B.C. Offender convicted of assault. Victim

treated for a fracture of the left great toe. Victim wore a cast on her left foot for four weeks. AWARD: $1,850.00 (pain and suffering, etc.)

87110 A 48-year-old male received injuries when slashed with a knife by a male person at victim's residence in Yarrow, B.C. Offender convicted of assault with a weapon. Victim treated at hospital emergency ward for extensive lacerations of the left arm, left hand and left leg. Victim required intensive antibiotic care due to development of severe infection in the hand and arm lacerations. AWARD: $2,430.00 (travel expense — $50.00; clothing damage — $30.00; pain and suffering, etc. — $2,350.00)

87302 A 21-year-old female received multiple injuries when attacked, abused and jarred by an impact during which a car in which she was seated was twice struck by a second vehicle driven by the offender. Culprit subsequently punched her in the face and then drove his vehicle over her ankle in the area of a hall in Surrey, B.C. Offender convicted of assault. Victim treated conservatively at hospital emergency ward for multiple contusions. Victim mobilized on crutches for several weeks. AWARD: $2,450.00 (loss of wages, pain and suffering, etc.)

87447 An 82-year-old female was attacked, punched in the face and robbed by a man and a woman after culprits had broken into victim's residence in Vancouver, B.C. Offenders have not been identified. Victim treated conservatively for multiple contusions and an anxiety state. AWARD: $1,630.00 (medical expense — $30.00; pain and suffering, etc. — $1,600.00)

87244 A 23-year-old female received injury when attacked and sprayed in the face with a noxious chemical by a female person near a street in Vancouver, B.C. Culprit later charged with assault. Victim treated conservatively for chemical irritation of both eyes and face and a corneal abrasion. AWARD: $1,845.05 (hospital co-insurance — $10.00; ambulance expense — $28.00; drug cost — $17.05; clothing damage — $40.00; pain and suffering, etc. — $1,750.00)

87237 A 36-year-old male sustained fatal injuries when beaten at a residence in Vancouver, B.C. Police investigation is continuing. Application made by the Public Trustee as administrator of the deceased's estate. The claim was for $232.00. AWARD: $232.00 (funeral and burial expenses)

87492 A 61-year-old male was attacked and punched repeatedly in the face by a male acquaintance in a lounge in Duncan, B.C. Offender charged with unlawfully causing bodily harm. Victim required hospitalization with multiple facial injuries including a laceration of the right globe, extensive lacerations about the face and a nasal fracture. Victim required prompt treatment for significant blood loss. The damaged eye was ultimately enucleated. Victim had no claim for wage loss. AWARD: $12,784.79 (hospital co-insurance — $127.50; ambulance account — $57.29; purchase of prosthetic eye — $600.00; pain and suffering, etc. — $12,000.00)

87931 A 7-year-old female received injuries when attacked, repeatedly threatened, confined for a period of time and sexually assaulted by a male person at offender's residence in Vancouver, B.C. Assailant charged with unlawful confinement, threatening and sexual assault causing bodily harm. Victim required hospital treatment for abrasions and contusions, a vaginal laceration and an anxiety state. AWARD: $3,200.00 (pain and suffering, etc., payable in trust to Public Trustee.) Provision also made for coverage of psychotherapy costs such as may be required by victim due to mental and emotional trauma.

87113 A 70-year-old female was attacked, beaten, abused, threatened with a pair of scissors and robbed by a male youth at victim's residence in Shawnigan Lake, B.C. Offender has not been identified. Victim required hospital treatment for contusions of the face and ribs and a depressed nasal fracture. Hospital examination later discovered the presence of a fractured left zygoma and dental damage resulting from the incident. AWARD: $2,671.50 (hospital co-insurance — $25.50; ambulance account — $28.00; dental repairs — $38.00; clothing damage — $80.00; pain and suffering, etc. — $2,500.00) Provision also made for coverage of costs of future dental work required due to the injuries.

87318 A 20-year-old male was attacked and struck in the face with a beer glass by a man in a bar in Surrey, B.C. Culprit charged with assault with a weapon. Victim treated at hospital emergency ward for severe lacerations of the left cheek. Scars remain. AWARD: $2,040.00 (clothing damage — $40.00; pain and suffering, etc. — $2,000.00) Provision made for coverage of costs of future surgical revision of residual facial scars.

87381 An 11-year-old male was attacked and punched in the face by a male youth at a skating rink in Port Coquitlam, B.C. Due to the youth and circumstances of offender no criminal charges were pursued. Victim required dental restoration for a crown fracture of a front incisor tooth. AWARD: $707.80 (dental repair costs — $307.80; pain and suffering, etc. — $400.00)

87111 A 33-year-old male was attacked and punched in the face by a male offender after a motor vehicle collision between respective cars driven by victim and assailant. Culprit charged with assault causing bodily harm. Victim treated conservatively for multiple facial contusions, fractures of the nasal bones with traumatic deformity of the nasal septum and a condition of epistaxis. Victim later underwent surgery to reduce the nasal and septal fractures. Some nasal deformity remains. AWARD: $3,946.67 (hospital co-insurance — $27.00; ambulance account — $28.00; drug costs — $35.70; medical expense — $2.97; transportation costs — $40.00; clothing damage — $13.00; loss of income, pain and suffering, etc. — $3,800.00)

87396 A 33-year-old female was attacked, beaten and abused and subjected to death threats while the male offender pointed a loaded gun in victim's direction at assailant's residence in Princeton, B.C. Offender charged with assault causing bodily harm and pointing a firearm. Victim required hospital emergency ward attention for multiple and extensive contusions of the face, head, body and limbs and an anxiety state. AWARD: $2,540.00 (clothing damage — $40.00; loss of income, pain and suffering, etc. — $2,500.00)

87174 A 14-year-old female received multiple gunshot wounds when struck with pellets fired from a shotgun by a mentally unstable man near victim's residence in Vancouver, B.C. Criminal charges were not pursued due to the subsequent death of offender as a result of a suicide. The victim required hospital treatment for multiple gunshot pellet wounds to the left temple, left supraorbital area, left submental area, left arm and left middle and fifth fingers. Due to location some of the pellets were left in situ. Victim is left with a prominent scar under her chin. AWARD: $3,400.00 (clothing damage — $130.00; travel costs — $20.00; loss of wages, pain and suffering, etc. — $3,250.00)

87157 A 19-year-old male was attacked and kicked in the groin by a male person in the vicinity of Houston, B.C. Offender pleaded guilty to an assault charge. Victim required hospital treatment for a ruptured left testicle. AWARD: $2,400.00 (pain and suffering, etc.)

87470 A 37-year-old female sustained fatal injuries when stabbed by her husband at their residence in Saanich, B.C. The offender was charged with murder. Application made on a claim for loss of support by the Public Trustee on behalf of deceased's two infant children. Evidence indicated that while deceased was not employed at the time of her death she had planned on opening an art gallery. She had also been employed part-time as a legal secretary in the past. AWARD: Periodic payments of $100.00 per month to each of the two children subject to future cost of living adjustments and payable until each child attains the age of 18 years and continuing to age 21 years if the child continues regularly to attend an academic, technical or vocational school.

87858 A 74-year-old female sustained injuries while attempting to give chase to a female youth after the offender had grabbed victim's purse on a street in New Westminster, B.C. Victim was injured when she fell heavily to the ground while in pursuit. Culprit has not since been identified. Victim treated conservatively for multiple and extensive contusions with swelling of the face and eyes, a laceration of the forehead and a sprain of the left shoulder. Victim is left with a scar at the laceration site. AWARD: $2,197.00 (replacement eyeglasses — $197.00; pain and suffering, etc. — $2,000.00)

EXAMPLES OF DISALLOWED CLAIMS

871433 A 17-year-old female alleged that she was attacked and beaten with a metal object by her boyfriend at their residence in Richmond, B.C. Claimant stated that she had laid an assault charge against the alleged offender. Investigation indicated that this was not the case and in fact charges were never laid against the offender in relation to the occurrence. Claimant did not report the incident to police until approximately seven months after it occurred. No award was granted as claimant did not report the occurrence to police promptly or within a reasonable time and did not pursue criminal charges against the alleged offender.

87831 The applicant, now age 17, alleged to have been the victim of incidents of sexual assault some years prior to the application and which attacks were allegedly perpetrated by the applicant's stepfather at the family residence in both Richmond and Ladner, B.C. According to police there was no evidence upon which to base the laying of any criminal charges in respect to the alleged occurrences. Police are of the opinion that the alleged assaults either did not occur at all or are not such that they form the basis for a criminal prosecution. No award was granted in view of the lack of evidence that any criminal assaults had taken place. Applicant not considered to be a credible witness with respect to these allegations.

87688 A 31-year-old male alleged that he received injuries in unknown circumstances near a street in Vancouver, B.C. Claimant admits that he had been drinking heavily during the day in question and was extremely intoxicated at the time of this event. Claimant has virtually no recollection of the manner and circumstances in which he was injured. No criminal charges were ever laid in relation to the occurrence. No award was granted as there was insufficient evidence from which to conclude that claimant is a victim of crime within the meaning of the Act. According to police claimant had been drinking heavily and to the point that he had been evicted from a bar. In light of claimant's lack of memory of the event and in absence of other information of relevance it was considered to be equally probable that claimant received his injuries in a fight or disagreement as opposed to being a victim of assault.

87122 A 22-year-old male alleged that he received a fractured arm when attacked by one of his supervisors while claimant was working for a restaurant in Duncan, B.C. Application made in respect of an incident occurring almost seven years prior to the making of the application. Claimant admits to having given a deliberately falsified story to hospital staff at the time to the effect that he had fallen on ice on the employer's premises. Claimant did not report the matter to police at all for several years. No criminal charges have been laid in relation to the occurrence. No award was granted in light of claimant's complete lack of credibility and fact that after giving a false story he did not report the matter to police for a period of years and did not pursue criminal charges.

87312 A 32-year-old male alleges that he was attacked and stabbed by a man in an elevator in a building in Vancouver, B.C. Criminal proceedings against the alleged assailant were ultimately stayed. Claimant, according to police, was extremely uncooperative during police investigation. Police also determined that claimant's injuries were sustained not at the hands of the alleged assailant but due to an accident when stabbed by a female person who was also a passenger in the elevator at the relevant time. No award was granted as there was insufficient evidence that claimant was a victim of an assault as opposed to the victim of an accident. Claimant was also most uncooperative with police and declined to assist them in their investigation of the occurrence. Those who do not do their part to assist in police investigation are in no subsequent position to expect compensation under the Act.

87186 A 34-year-old female alleges that she was attacked and "clawed" in the face by two female persons in a bar in Kamloops, B.C. According to eyewitnesses claimant was observed to become involved in an argument and an exchange of insults with one of the alleged assailants. This confrontation escalated into a fight in which claimant was a willing participant. Claimant admits to being intoxicated at the time of this event. No award was granted as it was considered that claimant had contributed toward the injuries to such a degree as to disentitle her to any award of compensation.

87215 A 44-year-old female alleges that she was attacked and beaten by her boyfriend at claimant's residence in Victoria, B.C. Claimant also complains of having been beaten and abused on other occasions by the same assailant. Claimant indicated an intention to resume cohabitation with the offender following his release from a term of imprisonment being served in connection with convictions for assaulting the claimant. No award was granted as payment of compensation in this case would benefit the offender. Claimant is not in any position to expect compensation under the Act in circumstances in which the making of the award would in any way benefit the person responsible for claimant's injuries.

87088 A 27-year-old male alleges that he was attacked and struck with a baseball bat by a male acquaintance and the offender's sister after they had forced their way into claimant's residence in Vancouver, B.C. Claimant declined to pursue criminal charges against offenders known to him and refused to supply the police with either a written statement or details concerning the event and why it occurred. Due to a resulting lack of information Crown Counsel refused to pursue criminal charges in connection with the case. No award was granted in view of claimant's failure to pursue the appropriate criminal charges and lack of cooperation with police.

87074 A 26-year old male alleged that he was attacked, abused and thrown to the floor by two men in a store at a shopping mall in Vancouver, B.C. According to police claimant had been observed to be in the process of committing a theft of a 40 ounce bottle of liquor and following which the assailants, employees of the store, gave chase. Claimant's injuries were apparently received when he again attempted to flee and at which point he was forcibly detained. No award was granted as claimant had contributed very substantially by his own actions to this entire incident. There was also considered to be sufficient evidence upon which to charge the claimant with theft in the circumstances. Claimant's injuries were received due to lawful attempts by store employees to detain claimant in relation to a suspected theft.

87389 A 56-year-old male alleges to have been attacked, beaten and struck "approximately 100 times" by two male persons at claimant's residence in Richmond, B.C. Police determined that claimant's injuries were not consistent with an assault of any kind. Claimant's story of being attacked and struck the number of times as described by him is considered by police to have been a fabrication. No award was granted as claimant's story concerning the incident was considered to have been unfounded.

87506 A 43-year-old male alleges that he received injuries when struck by the body of a female person who had fallen from a sixth story window of a hotel in Vancouver, B.C. Police investigation indicated that the female person had been seated on a ledge of the hotel and had lost her balance resulting in a fall. Claimant was injured while rushing to the scene as she fell. No criminal charges were ever laid. The weight of the evidence indicated that the woman's fall occurred entirely as a result of an unfortunate accident. No award was granted as this incident occurred due to an unfortunate accident rather than as a result of a crime as defined in the Act.

87660 A 42-year-old male alleged that he and his family sustained economic loss due to costs incurred in replacement of a drinking water well at claimant's farm property in the area of Quesnel, B.C. Claimant alleges that during a neighbourhood dispute between claimant and a neighbouring landowner the other party had "poisoned" claimant's well. No award was granted as there is no provision under the Act for payment of compensation in respect to damage occasioned to residential or farm property or costs associated with repairs to such damage. There was also no evidence that either claimant or any member of his family had suffered injury as a result of this occurrence. Claimant's allegation that he and his family suffered illness due to having consumed tainted water was not borne out by either medical information or police investigation.

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